

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In brief:

Claims 46–56, 58, and 59 are requested to be cancelled.

Claims 1 and 35 are currently amended.

After amending the claims as set forth above, claims 1 and 35–45 are now pending in this application.

Claims 1 and 35 were amended to correct obvious typographical errors noted by the examiner, with the additional correction of “heterocyclic” to “heterocyclic” in claim 1.

Claims 1 and 35 were rejected under 35 U.S.C. § 112 (second paragraph) for allegedly lacking particularity and distinctness. The Applicants respectfully submit that these rejections are now moot in view of the current amendments.

Claims 58 and 59 were provisionally rejected as possibly obvious in view of co-pending U.S. Patent Application Serial No. 09/127,364 or 10/316,205. The Applicants respectfully submit that these rejections are now moot in view of the current amendments. However, these amendment are not in any way an acquiescence of the rejection. Indeed, until the claims in question are allowed, the Applicants cannot comment on the appropriateness of these so-called “provisional” rejections. Applicants expressly reserves the right to pursue these claims in a subsequent application.

Claims 46–56, 58, and 59 were rejected under 35 U.S.C. § 112 (first paragraph) as allegedly lacking sufficient enabling description. The Applicants respectfully submit that these rejections are now moot in view of the current amendments. However, the Applicants state for the record that the cancellation of these claims is in no way an admission that the Examiner’s allegations are correct. Rather, the Applicants want to secure allowance of the valuable composition of matter claims remaining in this application. And the Applicants expressly reserve the right to pursue these claims in a subsequent application.

Indeed, the Applicants continue to respectfully disagree with the Examiner’s assertions underlying the rejections under 35 U.S.C. § 112 (first paragraph). In particular, the Applicants continue to submit respectfully that the Examiner’s reliance on reports describing the performance of unrelated compounds and biologics in modulating VLA-4-mediated disorders, and his continued insistence that enablement requires “predictable” structure-activity relationships, is misplaced and not an accurate reflection of the law regarding undue experimentation. Again, however, the Applicants desire to postpone this discussion to expedite allowance of those particular claims they believe that Examiner agrees are in condition for allowance.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers

submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date November 30, 2004

By 

FOLEY & LARDNER LLP
1530 Page Mill Road
Palo Alto, California 94304-1125
Telephone: (650) 856-3703
Facsimile: (650) 856-3710

David P. Lentini
Attorney for Applicants
Registration No. 33,944